

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP.,
SMARTMATIC INTERNATIONAL
HOLDING B.V., and SGO
CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY
PILLOW, INC.,

Defendants.

Case No. 22-cv-0098-JMB-JFD

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited (together, “Smartmatic”), by and through their undersigned counsel, hereby respectfully move this Court pursuant to Federal Rule of Civil Procedure 56 (the “Motion”) for an Order (1) granting summary judgment in favor of Smartmatic and against Defendants Michael J. Lindell (“Lindell”) and MyPillow, Inc. (“MyPillow”) on the defamation elements of (a) publication, (b) “of and concerning,” (c) falsity, and (d) defamation *per se*, and (2) granting summary judgment in favor of Smartmatic and against Defendants for liability for violations of the Minnesota Deceptive Trade Practices Act, MSA § 325D.44(8).

The Motion should be granted for the reasons set forth in Smartmatic’s Memorandum of Law in Support of this Motion.

Dated: November 13, 2024

Respectfully submitted,

/s/ J. Erik Connolly_____

Christopher K. Larus

Minnesota Bar No. 0226828

CLarus@robinskaplan.com

William E. Manske

Minnesota Bar No. 0392348

WManske@robinskaplan.com

Emily J. Tremblay

Minnesota Bar No. 0395003

ETremblay@robinskaplan.com

ROBINS KAPLAN LLP

800 LaSalle Avenue, Suite 2800

Minneapolis, MN 55402

Telephone: (612) 349-8500

J. Erik Connolly (admitted *pro hac vice*)

EConnolly@beneschlaw.com

Illinois ARDC No. 6269558

Nicole E. Wrigley (admitted *pro hac vice*)

NWrigley@beneschlaw.com

Illinois ARDC No. 6278749

Timothy M. Frey (admitted *pro hac vice*)

TFrey@beneschlaw.com

Illinois ARDC No. 6303335

Julie M. Loftus (admitted *pro hac vice*)

JLoftus@beneschlaw.com

Illinois ARDC No. 6332174

**BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP**

71 South Wacker Drive, Suite 1600

Chicago, IL 60606

Telephone: (312) 212-4949

James R. Bedell (admitted *pro hac vice*)

JBedell@beneschlaw.com

Ohio Bar No. 97921

**BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP**

127 Public Square, Suite 4900

Cleveland, OH 44114

Telephone: (216) 363-4500

Attorneys for the Plaintiffs